

Application No. 10/729,275
Response dated March 7, 2007
Reply to Office action of January 29, 2007

REMARKS

Claim Rejections 35 USC §103

Claims 1-8 and 17-24 were rejected under **35 USC §103(a)** as being unpatentable over US Patent Application Publication, Pub., No. US 2004/0100577 (**LINZER et al**) in view of US Patent Application Publication, Pub., No. US 2003/0095126 (**Dean**). The Applicant disagrees and traverses the Examiner's rejections.

With respect to claims 1 and 17, the Applicant respectfully submits that the Examiner has failed to establish a case of *prima facie* obviousness for at least the reasons provided below. M.P.E.P. §2142 clearly states that "[t]he examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness." The M.P.E.P. §2142 goes on to state that "[t]o establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure."

The Examiner correctly states, "**LINZER et al** does not teach three colorspace components and one type of colorspace component is stored in each burst." In **LINZER et al** a stated goal is to "have fewer bursts because lines are stored together." [**LINZER et al**; paragraph 0008]. Therefore, it is incorrect for the Examiner to state, "[i]t would have been made obvious to one of ordinary skilled in the art at the time the invention was made to incorporate the teachings of **Dean** into **LINZER et al** to have a burst comprising color space components of a single type."

LINZER et al teaches away from "one type of colorspace component ... stored in each burst." It is a fundamental starting point of **LINZER et al** that "lines are stored together." A line

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comprises pixels; pixels comprise colorspace components; and “**LINZER et al** does not teach three colorspace components and one type of colorspace component is stored in each burst.” It follows that the goal in **LINZER et al** to “have fewer bursts” when “lines are stored together” can not be achieved if there is “a burst comprising color space components of a single type” as suggested by the Examiner. Assuming the Examiner combination, reading a pixel according **LINZER et al** would require accessing Three (3) bursts rather than One (1) burst. The combination created by the Examiner would not succeed in accomplishing the goal of **LINZER et al**. Therefore, the “teaching or suggestion to make the claimed combination and the reasonable expectation of success” can not be “found in the prior art.”

In view of at least the foregoing, the Applicant requests the removal of the Examiner’s 35 USC §103(a) rejections to claims 1 and 17.

With respect to claims 2, 5, 7, 18, 21 and 23, the Examiner states, “**LINZER et al** meet limitations of claim 1.” This is not valid grounds for rejection since the Examiner even admits, “**LINZER et al** does not teach three colorspace components and one type of colorspace component is stored in each burst.” In view of at least the foregoing, the Applicant requests the removal of the Examiner’s 35 USC §103(a) rejections to claims 2, 5, 7, 18, 21 and 23.

The Examiner rejects claims 3 and 19 “in light of the rejection of claims 2, 18.” With respect to claims 4 and 20, the Examiner states, “**LINZER et al** meet limitations of claim 2.” In view of at least the foregoing comments with respect to claims 2 and 18, the Applicant requests the removal of the Examiner’s 35 USC §103(a) rejections to claims 3, 4, 19, and 20.

Claims 6 and 8 depend on claim 1 and claims 22 and 24 depend on claim 17. The removal of the Examiner’s 35 USC §103(a) rejections to claims 1 and 17 will remove the Examiner’s rejections to dependent claims 6, 8, 22, and 24.

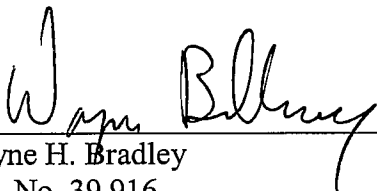
In view of at least the foregoing, it is respectfully submitted that the pending claims 1-8 and 17-24 are in condition for allowance. A Notice of Allowability is courteously solicited for claims 1-8 and 17-24. Should the Examiner disagree or have any questions regarding this submission, the Applicant respectfully requests that the Examiner telephone the undersigned at

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(312) 775-8000. The Commissioner is hereby authorized to charge additional fee(s) or credit overpayment(s) to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,

Date: March 7, 2007



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